

## UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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ROBERT OLAFSON and	)	U.S. DISTRICT COURT
PATRICIA OLAFSON	)	DISTRICT OF MASS
v.	)	CIVIL ACTION NO. 04 10158MLW
KYLE E. BYRNE, an BFI WASTE	)	
SERVICES OF MASSACHUSETTS, LLC,	)	
and MARGARET HAMILL	)	
	)	

**PLAINTIFF'S MOTION TO DEFER TIME FOR PRESENTING WRITTEN  
SETTLEMENT PROPOSALS PURSUANT TO LOCAL RULE 16.1(C)**

The plaintiffs, Robert Olafson and Patricia Olafson, request relief from Local Rule 16.1 of the Rules of the United States District Court for the District of Massachusetts regarding the presentation of a written settlement proposal to the defendants prior to the initial scheduling conference. Plaintiffs are unable at this time to formulate a meaningful settlement proposal.

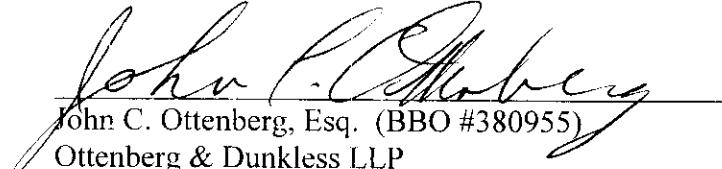
This case arises from an automobile accident in which the plaintiffs suffered injuries. Both plaintiffs continue to receive significant medical care and attention and their medical conditions are still not at end results. In particular, the plaintiff Robert Olafson had spinal surgery on May 10, 2004, and has been undergoing a period of convalescence since that time. In order to formulate an intelligent settlement demand, Robert Olafson and his counsel need the input of a medical expert to provide guidance with respect to Mr. Olafson's future medical course. Because of the recent surgery, Robert Olafson and his counsel have not been able to obtain such guidance at this point.

The plaintiff Patricia Olafson has an unresolved medical condition and also continues to receive regular care and treatment. It is therefore difficult at this point in time to accurately assess

the value of her claim.

For these reasons, plaintiffs request that the time within which they shall submit a settlement proposal to the defendants be extended for six months.

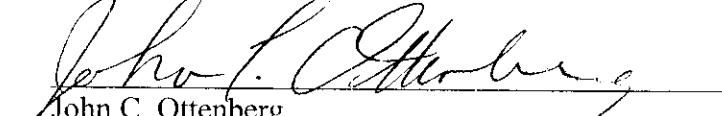
ROBERT OLAFSON and PATRICIA OLAFSON  
By their attorney,

  
John C. Ottenberg, Esq. (BBO #380955)  
Ottenberg & Dunkless LLP  
101 Arch Street  
Boston, MA 02110  
617-342-8600

Dated: August 9, 2004

CERTIFICATION

I, John C. Ottenberg, certify that I discussed the enclosed motion with defendants' counsel and counsel for the defendants Kyle E. Byrne and BFI Waste Services of Massachusetts, LLC, indicated his assent to the motion and counsel for Margaret Hamill indicated that he had no opposition to the motion.

  
John C. Ottenberg  


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U.S. DISTRICT COURT  
DISTRICT OF MASS

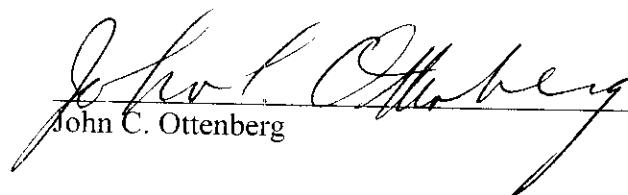
**CERTIFICATE OF SERVICE**

I, John C. Ottenberg, hereby certify that I served a copy of the within pleading by first class mail on this date, addressed as follows:

Bruce R. Fox, Esq.  
278 Midstate Office Park  
Auburn, MA 01501

Lee Stephen MacPhee, Esq.  
Morrison, Mahoney & Miller, LLP  
250 Summer Street  
Boston, MA 02210-1181

Signed under the pains and penalties of perjury this 9<sup>th</sup> day of August, 2004.

  
John C. Ottenberg